GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services – Agriculture & Cooperation Department - ACB (Trap) Case – Smt.Jukunta Sasi Bindu, the then Assistant Director of Agriculture (R), Pamarru, Krishna District and presently working as Asst. Director of Agriculture, FCO Lab, Tadepalligudem, West Godavari - Trapped by ACB authorities when demanded and accepted bribe amount of Rs.5,000/- Request for sanction of Prosecution in a Court of Law – Rejected - Orders – Issued.

AGRICULTURE AND CO-OPERATION (VIG.I) DEPARTMENT

G.O.Rt.No.679 **Dated:28/10/2024**

Read the following:

1. Radio Message Received at 4.25 pm on 10.04.2017 from the Deputy Superintendent of Police, Anti-Corruption Bureau, Vijayawada Range, Vijayawada.
2. The Director of Agriculture, A.P., Guntur, Procds.No.Vig.I (1)51/2017, dt.17.04.2017.
3. From the Director General, ACB, A.P., Vijayawada, Letter Rc.No.57/RCT-VKI/2017-S.9, dt.05.05.2017.
4. Govt. Memo.No.30021/16/2017 (Vig.I).2017, A & C (Vig.I) Dept., dt.17.05.2017.
5. Representation dt.30.10.2017 of Smt. Jukunta Sasi Bindu, formerly Asst. Director of Agriculture (R)(U/s), Pamarru, Krishna District.
6. Govt. Memo.No.30021/16/2017 (Vig.I).2017, A & C (Vig.I) Dept., dt.22.05.2018.
7. From the Director General, Anti-Corruption Bureau, A.P.,Vijayawada, Lr.Rc.No.57/RCT-VKI/2017-S.9, dt.14.05.2018.
8. G.O.Rt.No.422, A & C (Vig.I) Dept., dt.12.06.2018.
9. From the Director General, Anti-Corruption Bureau, A.P.,Vijayawada, Lr.Rc.No.57/RCT-VKI/2017-S.9, dt.24.04.2024.

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O R D E R:

In the reference 1st read above, the Deputy Superintendent of Police, ACB, Vijayawada Range, Vijayawada, has reported that, on 07.04.2017 at 14.30 Hours, Smt. Jukunta Sasi Bindu, was trapped by ACB authorities for demanding and accepting Rs.5,000/- from Sri Tammana Jagadeesh, S/o Durga Vara Prasad, Businessmen, R/o Chowdarypeta, Pamarru, Krishna District, to recommend and forward the file of Krishna Veni Seeds and Fertilisers, Pamarru for renewal of Pesticides License file and she was arrested and sent to Judicial remand and a case has been registered by the ACB/Officer Incharge of the Police Station, Deputy Superintendent of Police ACB, Vijayawada Range, Vijayawada, in Crime No. 05/RCT-ACB-VJA/20174 U/s 7 under 13(2) R/W 13(1) (D) of the Prevention of Corruption Act, 1988 of Anti-Corruption Bureau, Vijayawada Range.

2. Basing on the above radio message, the Director of Agriculture, A.P., Guntur, has placed Smt.Jukunta Sasi Bindu, the then Assistant Director of Agriculture (R), Pamarru, Krishna District under suspension w.e.f.07.04.2017, in the reference 2nd read above.

3. In the reference 3rd read above, the Director General, ACB, A.P., Vijayawada, has submitted Preliminary Report in the matter and requested to instruct the concerned Govt. Pleader to file a Caveat in A.P.A.T. and High Court of A.P. to restrain the Accused Officer from obtaining release orders from the A.P.A.T./High Court of A.P without the issue being contested by the concerned Government Pleader.

4. Accordingly, in the reference 4th read above, the Government have requested the Director of Agriculture, A.P., Guntur, to instruct the concerned officials for filing a Caveat in A.P.A.T. and A.P. High Court in the case as desired by the DG, ACB, A.P., Vijayawada, in consultation with the concerned Government Pleader's to restrain the Accused Officer Smt.Jukunta Sasi Bindu, the then Assistant Director of Agriculture (R), Pamarru, Krishna District (U/s), for obtaining release orders from APAT / High Court without the issue being contested by the concerned Government Pleader immediately.

5. In the reference 5th read above, the Accused Officer, Smt.Jukunta Sasi Bindu, the then Assistant Director of Agriculture (R), Pamarru, Krishna District (U/s.), has submitted a representation dt.30.10.2017, with a request to drop the case or ordering Departmental Enquiry, duly revoking the Suspension Orders.

(P.T.O.)

6. The Government have reviewed the suspension in respect of the Accused Officer Smt.Jukunta Sasi Bindu, the then Assistant Director of Agriculture (R), Pamarru, Krishna District and revoked the suspension, in the reference 6th read above, duly ordering to reinstate her into service, pending finalization of disciplinary/criminal proceedings against her in this case and to post her in a non-focal point far away from the place where she was trapped by the A.C.B.

7. In the reference 7th read above, the Director General, ACB, A.P., Vijayawada, has furnished Final report in the matter and recommended for Prosecution of the Accused Officer Smt.Jukunta Sasi Bindu, the then Assistant Director of Agriculture (R), Pamarru, Krishna District (U/s), in a Court of law u/s 7 and 13(2) r/w 13(1)(d) of the P.C.Act., 1988 and requested the Government to issue sanction order as required under section 19(1)(b) of the Prevention of Corruption Act, 1988 for her prosecution in the Court of Law.

8. The Government, after examining the above report and considering the above facts of the case and also consulting with the Advisory Department, have decided that it is not a fit case to sanction prosecution orders to prosecute the Accused Officer, Smt.Jukunta Sasi Bindu, the then Assistant Director of Agriculture(R), Pamarru, Krishna District in a Court of Law under Section 7 and 13(2) r/w 13(1)(d) P.C Act 1988 and the ends of justice would be met by initiating departmental proceedings against her, under A.P. Civil Services (CCA) Rules, 1991 and issued orders accordingly in the reference 8th read above.

9. In the reference 9th read above, the Director General, ACB, A.P., Vijayawada, has stated that the Government did not accord sanction for prosecution of the above Accused Officer, Smt.Jukunta Sasi Bindu, the then Assistant Director of Agriculture(R), Pamarru, Krishna District , in the reference 8th read above and in the said order, it is simply mentioned “decided it is not a fit case to sanction prosecution orders to prosecute the Accused Officer in a Court of Law and ordered to initiate departmental action against her, without rejecting with speaking orders. Further, the aforesaid orders of the Government are against the settled legal principles.

10. The Director General, ACB, A.P., Vijayawada has further quoted the interim orders passed in W.A.No.934/2022, dt.11.01.2024, 12.01.2024 and 11.03.2024 by the Hon’ble High Court of A.P. and also the Counter Affidavit, dt.07.03.2024 filed by the Government in it and requested the Government to accord sanction of prosecution sanction orders in the above said case, so that further necessary action will be initiated in accordance with Law.

11. The Government have once examined the Final report and the present request of the Director General, A.C.B, AP, Vijayawada, taking into consideration of the material on record and observed the following:

i. There is no substantive evidence of either initial demand or further demand of bribe by the Accused Officer except the statement of complainant. His self-serving cannot be relied upon as he is interested-witness.

ii. The complainant had a cause to bear enmity against the Accused Officer since she issued a proceedings dated:27-01-2016 cancelling the Licence of M/s Krishnaveni Seeds and Fertilisers, Pamarru, which was owned by complainant's mother.

iii. The ACB does not seem to have checked the background of the complainant whether he was having any grouse against the Accused Officer. Had they done so, they would have come to know about the cancellation of license of complainant’s mother’s Firm by the Accused Officer on the grounds of violation of FCO, 1985.

iv. The ACB also does not seem to have verified the reputation of the Accused Officer whether there were any complaints of "corrupt practices" against her in the past. Had they done so, they would have come to know of her clean track record. The ACB seems to have relied totally on what the complainant said without verifying his background and the Accused Officers reputation and the possibility of complainant's intention to falsely implicate the Accused Officer.

(Contd.p.3)

v. The Office of the Assistant Director of Agriculture is stated to be a single room where Accused Officer shares with Junior Assistant, the Block Technology Manager and the Multi-Purpose Extension Officer and she has no separate room to sit. As seen from ACB's report all the above persons viz. junior Assistant, Block Technology Manager and Multi Purpose Extension Officer have stated that they did not notice what has transpired between the Accused Officer and the Complainant whereas the ACBs report says that according to the complainant there was a further demand of bribe by the Accused Officer, acceptance of bribe amount, counting of the tainted notes, placing the notes in Attendance Register in the almirah." The Statement of Junior Assistant, BTM and MPEO through all of them were present in the same room i.e., the scene of offence.

vi. There are no accompanying witnesses/shadow to corroborate the evidence of demand, further demand and acceptance of bribe by the Accused Officer.

vii. The Accused officer (Assistant Director of Agriculture) has no power to do any official favour to the complainant since such power vests with the Joint Direct of Agriculture only. According to Section 7 of the P.C. Act, 1988, the Accused Officer must be doing any official favour.

viii. With all the above infirmities it may not be possible to prosecute the Accused Officer in a Criminal Court, since a criminal court needs higher level of proof and evidence beyond all reasonable doubt.

ix. In the absence of evidence beyond any reasonable doubt "demand and acceptance of bribe", the evidence of a cause for complainant's grouse against the Accused Officer, the good reputation of the Accused officer, the recovery of "tainted amount" from the open almirah in the office room to which the complainant had easy access to plant the tainted money, all points to a doubt whether this could be a case of falsely implicating the Accused Officer to wreak vengeance.

12. In the circumstances stated above, the Government, hereby, **reject** the request for sanction of prosecution in respect of the Accused Officer Smt.Jukunta Sasi Bindu, the then Assistant Director of Agriculture (R), Pamarru, Krishna District and presently working as Assistant Director of Agriculture, FCO Lab, Tadepalligudem, West Godavari, in a Court of Law under section 7 and 13(2) r/w 13(1)(d) P.C Act 1988.

13. The Director General, ACB, A.P., Vijayawada shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To:
The Director General, ACB, Pandit Nehru Bus Station,
NTR Administrative Block, 2nd Floor, Vijayawada A.P.

Copy to:
The Secretary to A.P. Vigilance Commissioner, A.P.V.C.,
5th Block, 1st Floor, A.P. Secretariat, Velagapudi.
Sf/Sc.

// FORWARDED BY ORDER//

SECTION OFFICER